# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/727,321 | 12/03/2003 | Oliver Keren Ban | AUS920030787US1 | 6222 |

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| EXAMINER |
|---|
| SIKRI, ANISH |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<table>
<tr><td rowspan="2"><strong>Office Action Summary</strong></td><td><strong>Application No.</strong><br>10/727,321</td><td><strong>Applicant(s)</strong><br>BAN, OLIVER KEREN</td></tr>
<tr><td><strong>Examiner</strong><br>ANISH SIKRI</td><td><strong>Art Unit</strong><br>2143</td></tr>
</table>

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on <u>12 December 2007</u>.

2a)☒ This action is **FINAL**.  2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) <u>1-15</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-15</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>03 December 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All  b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>12/03/2003</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

## DETAILED ACTION

## Information Disclosure Statement

The information disclosure statement submitted on 12/03/2003 been considered

by the Examiner and made of record in the application file.

## *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.      Determining the scope and contents of the prior art.

2.      Ascertaining the differences between the prior art and the claims at issue.

3.      Resolving the level of ordinary skill in the pertinent art.

4.      Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims **1-15** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Krause (US Pub 20050180568), in view of Lacy et al (US Pub 20040205485), and in

further view of Karim (US Pub 20030217108).


Consider **Claim 1**, Krause discloses a communication network where a user

access via a plurality of data processor controlled interactive display terminals for

sending and receiving broadcasting packets (Krause, Pg 7 [0076]), means for

temporarily storing broadcasting payload (Krause, Pg 7 [0077], Pg 10 [0094], Pg 11

[0102]), means for temporarily stripping the broadcasting payload from the broadcasting

packet (Krause, Pg 7 [0077], Pg 10 [0094], Pg 11 [0102]); means for transmitting the

coded header of the broadcasting packet to the receiving server via the broadcasting

router (Krause, Pg 7 [0077], Pg 10 [0094], Pg 11 [0102]);  means for transmitting the

broadcasting payload to its coded header in the receiving server via the broadcasting

router (Krause, Pg 7 [0077], Pg 10 [0094], Pg 11 [0102]);

But Krause fails to disclose that an electronic document distribution system for

routing broadcasting packets from a sending server to a receiving server.

Nonetheless, Karim discloses an electronic document distribution system for

routing broadcasting packets from a sending server to a receiving server comprising

(Karim, Pg 3, [0051], [0057])

But Krause fails to disclose inside a broadcasting router as a coded header by

temporarily coding the broadcasting payload to a set of symbols and means for adding

the coded symbols to a header of the broadcasting packet and means for converting the coded set of symbols of the broadcasting payload from its coded format to form a full broadcasting packet in the receiving server.

Nonetheless Lacy et al discloses a broadcasting router as a coded header by temporarily coding the broadcasting payload to a set of symbols (Lacy et al, Pg 1, [0008], [0011], Pg 2, [0021]) and means for adding the coded symbols to a header of the broadcasting packet (Lacy et al, Pg 1, [0008], [0011], Pg 2, [0021]) and means for converting the coded set of symbols of the broadcasting payload from its coded format to form a full broadcasting packet in the receiving server (Lacy et al, Pg 1, [0008], [0011], Pg 2, [0021]).

Krause discloses means for temporarily replacing the stripped broadcasting payload (Krause, Pg 7 [0077], Pg 10 [0094], Pg 11 [0102]) but fails to disclose with a set of coded symbols in the broadcasting packet. Nonetheless, Lacy et al discloses coded symbols in the broadcasting packet (Lacy et al, Pg 1, [0008], [0011], Pg 2, [0021]).

Therefore, it would have been obvious of ordinary skill in the art at the time of the invention was made to incorporate the use of an electronic document distribution system, taught by Karim, and with incorporating the coding of payload with coded symbol, taught by Lacy et al, in the system of Krause for the purpose of generating and distributing packets throughout the network/destination in a very efficient manner to reduce network congestion.

Consider **Claim 2**, Krause as modified by Karim and Lacy et al fails to discloses the system of claim 1 further comprising means in the document distribution system for reducing the broadcasting payload of the broadcasting packet to a coded header of the broadcasting packet.

Nonetheless, Karim discloses the document distribution system (Karim, Pg 3, [0051], [0057]).

Nonetheless, Lacy et al discloses reducing the broadcasting payload of the broadcasting packet to a coded header of the broadcasting packet (Lacy et al, Pg 1, [0008], [0011], Pg 2, [0021]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to incorporate the use of an electronic document distribution system, taught by Karim, and with incorporating the coding of payload with coded symbol, taught by Lacy et al, in the system of Krause for the purpose of generating and distributing packets throughout the network/destination in a very efficient manner to reduce network congestion.


Consider **Claim 3**, Krause as modified by Karim and Lacy et al discloses the system of claim 2 further comprising means for relaying the broadcasting payload to a destination router according to its address to form the full broadcasting packet (Krause, Pg 7 [0077], Pg 10 [0094], Pg 11 [0102]).

Nonetheless, Karuse fails to disclose the means receiving the coded header of the broadcasting packet and patching the broadcasting payload that corresponds to the set of coded symbols in the coded header from storage.

Lacy et al discloses the means receiving the coded header of the broadcasting packet and patching the broadcasting payload that corresponds to the set of coded symbols in the coded header from storage (Lacy et al, Pg 1, [0008], [0011], Pg 2, [0021]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to incorporate the use of coding header/payload with a symbol, taught by Lacy et al, in the system of Krause as modified by Karim, for the purpose of creating an efficient broadcasting payload, which is to be used in creation of a complete packet at its destination.

Consider **Claim 4**, Krause as modified by Karim and Lacy et al fails to disclose the system of claim 3 wherein said document distribution system is an electronic mail distribution system associated with electronic mail sources.

Nonetheless, Karim discloses document distribution system is an electronic mail distribution system associated with electronic mail sources (Karim, Pg 3, [0051], [0057]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to incorporate the use of an electronic mail distribution system, taught by Karim, in the system of Krause as modified by Lacy et al,

for the purpose of communication and distributing electronic messages across the

network.


Consider **Claim 5**, Krause as modified by Karim and Lacy et al fails to disclose

the system of claim 3 wherein said communication network is a distributed network; said

broadcasting payloads are digitized packets; and said network distribution system is a

network server system.

Nonetheless, Lacy et al discloses the communication network is a distributed

network; said broadcasting payloads are digitized packets; and said network distribution

system is a network server system (Lacy et al, Pg 1, [0007], [0008], [0011], [0012]).

Therefore it would have been obvious to a person of ordinary skill in the art at the

time of the invention was made to incorporate the use of distributed network and

digitized packets, taught by Lacy et al, in the system of Krause as modified by Karim for

the purpose of having reliable communication network medium.


Claims **6-15**, have similar limitations as to claims **1-5**; therefore they are rejected

under the same rational as to claims **1-5**.

## *Response to Arguments*

Applicant's arguments filed for 1, 6, and 11 have been fully considered but they are not persuasive.

Applicant argues that Krause does not disclose "means for temporarily stripping the broadcasting payload from the broadcasting packet". Krause does indeed disclose on how the broadcasting payload is separated from the broadcasting packet (Krause, [0077]). In Krause, the header is removed from the packet, and the remaining data is stored in the buffer. It is well known in the art that a TCP packet consists of a header and payload. And as Krause removes the header, it is left with the payload, which consists of the data. Krause can be interpreted as stripping payload from the header, as the result will be the same, as it is separating the two components from the packet.

Applicant argues that the watermarking method used in Lacy is not the same as the coded header and set of the symbols used in the application. The use of reference Lacy et al with Krause et al is to show the combination of encapsulation of data (Lacy et al, Pg 1, [0008], [0011], Pg 2, [0021]) into the data frame, the combination would show to a person skilled in the art about on how set of symbols are encapsulated into the data frame, and in the application, it would show how the symbols are encapsulated in the payload which is left by stripping the header of the packet by Krause.

Applicant's arguments filed for 2, 7, and 12 have been fully considered but they

are not persuasive.



Applicant argues that for Claims 2, 7 and 12 that Krause, in view of Lacy et al

and Karim do not disclose "reducing the broadcasting payload of the broadcasting

packet to a coded header of the broadcasting packet". Krause indicates on how the

header is stripped from the packet, leaving the payload (data) intact, and Lacy et al

shows on how information is coded and encapsulated (Lacy et al, Pg 1, [0008], [0011],

Pg 2, [0021]). It is common to person skilled in the art to combine the header from

Krause into a coded header with aid of Lacy et al's encapsulation methods.

## *Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the

examiner should be directed to ANISH SIKRI whose telephone number is 5712701783.

The examiner can normally be reached on 8am - 5pm Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Nathan Flynn can be reached on 571-272-1915. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
published applications may be obtained from either Private PAIR or Public PAIR.
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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should
you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a
USPTO Customer Service Representative or access to the automated information
system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Anish Sikri
a.s.

March 19, 2008


/Kenny S Lin/
Primary Examiner, Art Unit 2152